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- #912

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
MELDON L. TALBOT
Serial No. 09/706,992
Filed November 6, 2000
FOR: ANKLE BRACE

:
: Art Unit 3764
: Examiner: L. Hamilton
:
:

TRANSMITTAL OF CORRECTED
PAGE 6 OF APPELLANT'S BRIEF

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MAR 21 2003

TECHNOLOGY CENTER #3700

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

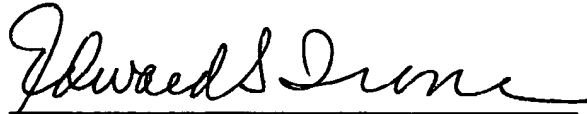
In view of an inadvertent error, transmitted herewith, in triplicate, is the corrected page 6 of Appellant's Brief. The Appellant's Brief with the required check in the amount of \$160 was sent via Express Mail on February 25, 2003.

The only correction on page 6 of Appellant's Brief is in paragraph 2. The quote from paragraph 1 of the applicant's October 23, 2001 letter should read:

1. The Castiglia Patent concerns a very complex wrapping of an injured ankle with a material that is made primarily of an elastic material. I have tried many ankle supports made of an elastic material over the years and none have given substantial protection against spraining or re-spraining an ankle as compared to my invention using an inelastic, flexible ankle brace.

The emphasized word "some" appears in the Appellant's Brief submitted by Express Mail instead of the word "none". Such inadvertent clerical error has been corrected in the attached corrected page 6 of Appellant's Brief.

Any additional fee should be charged to Deposit Account ~~09-~~
0948. A duplicate of this transmittal sheet is attached.



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Registration No. 16,541
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(202) 362-5332 - phone
(202) 966-1338 - fax

Dated: March 6, 2003



(b) Specific Limitations in the Rejected Claims Which are Not Described in the Prior Art Relied Upon by Examiner

1. Counsel deems it sufficient for the purposes of this appeal to rely on the examiner's admission that the art relied on does not disclose:

A single strap ankle brace...wherein said single strap ankle brace is made of a flexible substantially inelastic web of fabric....

This limitation is included directly or indirectly in all of the rejected claims 1-12.

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TECHNOLOGY CENTER R0700

2. The said limitation renders the claimed subject matter unobvious over the prior art for reasons set forth in paragraphs 1-5 of applicant's own October 23, 2001 letter attached to and filed as a part of his declaration under 37 C.F.R. §1.132, namely:

1. The Castiglia Patent concerns a very complex wrapping of an injured ankle with a material that is made primarily of an elastic material. I have tried many ankle supports made of an elastic material over the years and none have given substantial protection against spraining or re-spraining an ankle as compared to my invention using an inelastic, flexible ankle brace.

2. I have taken my ankle brace and duplicated the method described by Castiglia for wrapping an ankle. I had to use three of my ankle braces attached to each other, end to end, in order to have enough length available to complete Castiglia's instructions.

3. Castiglia's method of wrapping an ankle results in three layers of the ankle brace passing under the foot and three layers of the ankle brace passing in front of the ankle, over the Medial Arch. All of these excessive layers may slightly aid in the effective support of an ankle but



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TECHNOLOGY CENTER #2700

1. The Castiglia Patent concerns a very complex wrapping of an injured ankle with a material that is made primarily of an elastic material. I have tried many ankle supports made of an elastic material over the years and none have given substantial protection against spraining or re-spraining an ankle as compared to my invention using an inelastic, flexible ankle brace.

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